

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE:

David Vernon Tingle
Connie Mae Tingle

Debtor(s)

Case No. 08-42117

Chapter 13

Judge Kay Woods

MOTION TO REOPEN CASE

Comes now, CitiFinancial, Inc. (the "Movant"), a creditor, by and through its undersigned counsel, and moves this Honorable United States Bankruptcy Court pursuant to sections 105(a) and 350(b) of title 11 of the United States Code (the "Bankruptcy Code") and Rules 5010 and 9024 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for entry of an order reopening the above-captioned bankruptcy case for the limited purpose of filing an Order Granting Motion to Redact Personal Identifiers, with Redacted Filing, and to implement the relief requested therein. In support hereof, Movant respectfully represents as follows:

MEMORANDUM IN SUPPORT

1. Movant filed a document that now appears on the Court's docket or claims register in which Movant imperfectly redacted certain confidential customer information contained therein (the "Designated Filing").

2. In order to remediate the Designated Filing, Movant hereby seeks authority pursuant to sections 105(a) and 350(b) of the Bankruptcy Code and Bankruptcy Rules 5010 and 9024 to first reopen the above-captioned case for the limited purpose of allowing Movant to file an Order Granting Motion to Redact Personal Identifiers, with Redacted Filing, to remove electronic access to the Designated Filing and authorize the filing of a corrected replacement

filing (the “Replacement Filing”). Except for the correction of any imperfectly redacted customer information, the Replacement Filing will be identical to the Designated Filing in all respects.

3. The decision to reopen a case is left to the discretion of the Court. *In re Coogan*, 36 B.R. 621, 623 (Bankr. S.D. Ohio 1984). “The effect of [§ 350(b)] is merely to resurrect the court file from the stacks of the closed cases, or even from the archives, to enable it to receive a new request for relief.” *In re David*, 106 B.R. 126, 128 (E.D. Mich. 1989); *In re Leach*, 194 B.R. 812, 815 (E.D. Mich. 1996) (“The reopening of a case is of no independent legal significance or consequence.”). For the reasons set forth above, Movant submits that there is ample cause to reopen the case in order to permit Movant to file the Redaction Motion and to protect the information contained in the Designated Filing.

4. Movant further respectfully requests that the Court re-close this case immediately following completion of the relief requested in the Redaction Motion.

WHEREFORE, Movant prays for an Order from the Court: (a) granting Movant’s Motion for the limited purpose of allowing it to file the Redaction Motion in the above-captioned case; (b) re-closing this case immediately upon completion of the relief requested in the Redaction Motion; and (c) granting such other and further relief to which the Movant may be entitled.

/s/ Jill L. Fealko
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CERTIFICATE OF SERVICE

I certify that on May 21, 2013, a true and correct copy of the Motion for an Order Granting Motion to Reopen Case was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

Robert Ciotola, on behalf of Debtor(s), at rac@raciotola.com

Michael A. Gallo, on behalf of the Trustee's Office, at mgallo@gallotruster.com

Office of the U.S. Trustee, at (Registered address)@usdoj.gov

And by regular U.S. mail, postage prepaid, on:

David Vernon Tingle, Debtor
384 Honey Lane
Leetonia, OH 44431

Connie Mae Tingle, Debtor
384 Honey Lane
Leetonia, OH 44431

/s/ Jill L. Fealko
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